

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID GORDON,

Petitioner,

v.

CV 12-951 LH/WPL

JOHN SANCHEZ, Warden, and
GARY K. KING, New Mexico
Attorney General,

Respondents.

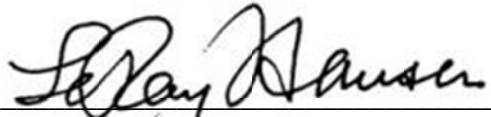
**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed March 7, 2013. (Doc. 15) The parties were notified that objections were due within fourteen days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. A day after the PFRD was filed, Gordon filed a one-sentence motion requesting consideration of his petition (Doc. 16), but nothing in that motion can be construed as an objection to the PFRD. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) Respondents' motion to dismiss (Doc. 11) is granted;
- 3) Gordon's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is dismissed without prejudice;
- 4) Gordon's motion for consideration of his petition (Doc. 16) is found moot; and,

4) a certificate of appealability is denied.



SENIOR UNITED STATES DISTRICT JUDGE